

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON GMOSER,

Defendant.

CASE NO. 1:15-cr-00069

JUDGE COLE

MOTION FOR FINAL ORDER OF FORFEITURE

The United States, by its undersigned counsel, hereby moves this Court for the issuance of a Final Order of Forfeiture pursuant to Federal Rule of Criminal Procedure 32.2(c)(2). This motion is supported by the record in this case and the following memorandum.

MEMORANDUM

On January 10, 2023, the Court entered a Preliminary Order of Forfeiture (Doc. 48), finding that all right, title, and interest in the following property (the “subject property”) had been forfeited to the United States under 18 U.S.C. § 2253(a)(1) and (3):

- Sony Camera; Serial No. 3515950;
- Lexar 1 GB Memory Stick;
- Sony 4GB Memory Stick;
- Three (3) SanDisk Thumb Drives labeled, Recovery; UBCD 4WM 3.60 Windows SerVer 2003 SP2; and Parted Magic;
- Western Digital 40GB Hard Drive; Serial No. WXC406022218;
- One External Western Digital Hard Drive with Power Cord; Serial No. WCAWZ1809056;
- One External Western Digital Hard Drive with Power Cord; Serial No. WCAWZ1628172;

- One External Western Digital Hard Drive with Power Cord; Serial No. WCAWZ0670461;
- One External Western Digital Hard Drive with Power Cord; Serial No. WCAVY0031389;
- One External Western Digital Hard Drive with Power Cord; Serial No. WCAVY0088890;
- One External Western Digital Hard Drive with Power Cord; Serial No. WCAWZ0731050;
- One External Western Digital Hard Drive with Power Cord; Serial No. Unknown;
- One External Western Digital Hard Drive with Power Cord; Serial No. WXG1AB0H9564;
- Patriot 8GB Micro SD Card with Adaptor; Serial No. Unknown;
- One Western Digital My Passport Hard Drive with Power Cord; Serial No. WXV1E30XYX35T;
- One Western Digital My Passport Hard Drive with Power Cord; Serial No. WXM1AB0Y6625;
- One Western Digital My Passport Hard Drive with Power Cord; Serial No. WX41C32D7404;
- One Western Digital My Passport Hard Drive with Power Cord; Serial No. WXT1CB1S4712;
- One Western Digital My Passport Hard Drive with Power Cord; Serial No. WXR1A3063089;
- SanDisk Cruzer 32GB Thumb Drive; Serial No. Unknown;
- SanDisk Cruzer 8GB Thumb Drive; Serial No. Unknown;
- SanDisk Cruzer 2GB Thumb Drive; Serial No. Unknown;
- One 32GB PNY Micro SD Card with Adapter; Serial No. Unknown;
- Sony Play Station 3 Console with One Controller; Serial No. CE804470955-CECHH01;

- Logitech Video Web Camera with Cord; Serial No. 1236LZ0FK3V8;
- Nokia Cellular Phone; IMEI 351967/05/197633/5;
- Coolmax Dual Bay SSTA Raid External Hard Drive with Power Cord; Serial No. MQ0509105106;
- Coolmax Dual Bay SSTA Raid External Hard Drive with Power Cord; Serial No. MQ0509105359;
- Sony Vaio Laptop Computer with Cords; Serial No. 545709390000269;
- HP Pavilion Elite Desktop Computer; Serial No. MXX0250GXJ;
- HP Pavilion Elite Desktop Computer; Serial No. MXX029041K;
- Raid Computer Tower with Cords; Serial No. A328ADAEAR200018;
- Raid Computer Tower with Cords; Serial No. A225ADAEAR200088;
- HGST Hard Drive; Serial No. 6PGMJMUC;
- Bitmain Antiminer Labeled “8-18-14” “3”; Serial No. Unknown;
- Bitmain Antiminer Labeled “8-19-14” “5”; Serial No. Unknown;
- Bitmain Antiminer Labeled “8-18-14” “4”; Serial No. Unknown;
- Bitmain Antiminer Labeled “7-24-14” “1”, Serial No. Unknown;
- Bitmain Antiminer Labeled “7-31-14 8/12/14 100%” “2”; Serial No. Unknown;
- Box Containing 7 Bitmain Antiminer Accessories; Serial No. Unknown;
- Seagate Hard Drive; Serial No. 5PV1A4T2;
- All additional items seized, including, but not limited to: all storage media (micro SD cards, 8mm video tapes, Zip drives, CDs, mini CDs, CDRs, DVDs, mini DVDs, floppy disks, VHS tapes, and cassette tapes), documents, packages and photographs; and
- All pornographic material, whether depicting adults or minors or both, and all photographs which depict minors, other than photographs of clothed minor members of the defendant’s family.

The Court also found that the defendant had an interest in the subject property and directed the United States to seize the subject property and to give notice of its intent to forfeit the property. (*Id.*)

The United States gave electronic notice through the CM/ECF notification system of the Motion for Preliminary Order of Forfeiture to counsel for the defendant, and the defendant did not object thereafter to the forfeiture of the subject property.

On May 31, 2023, the Court held the defendant's sentencing hearing and announced the forfeiture of the subject property. (Minute Entry 05/31/2023.) The Judgment establishes that the defendant shall forfeit the subject property to the United States. (Doc. 54.)

The United States published notice of this forfeiture action and of its intent to dispose of the subject property in accordance with the law on an official internet government forfeiture site (www.forfeiture.gov) for at least 30 consecutive days, beginning on January 14, 2023. (Doc. 50.)

The United States did not send direct written notice of the Preliminary Order of Forfeiture because there was no person who reasonably appeared to be a potential claimant with standing to contest the forfeiture of the subject property in the ancillary proceeding.

Title 21, United States Code, Section 853(n)(7) provides the following:

Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

Here, no person or entity has filed a timely petition with the Court asserting any interest in the subject property or objecting to its proposed forfeiture.

Accordingly, the United States moves this Court to enter a Final Order of Forfeiture against the subject property.

Respectfully submitted,

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s/Christy L. Muncy

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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, a copy of the foregoing United States' Motion for Final Order of Forfeiture was filed with the Court's electronic filing system (CM/ECF), which will send electronic notification of such filing to all parties represented by attorneys who are registered CM/ECF users.

s/Christy L. Muncy

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